

**THIRD DAY  
(Continued)**

(Wednesday, March 1, 1950)

**AFTER RECESS**

The Senate met at 11:00 o'clock a.m. and was called to order by the President pro tempore.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 1, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 38, Amends H. B. 108, 51st Leg., ch. 404, p. 754, Vernon's Civil Statutes, Article 7345e, making same applicable to all counties located in tracts of lands having in excess of 1,000 acres, etc., and declaring an emergency.

H. C. R. No. 35, Giving the Enrolling Clerk permission to amend the caption of House Bill No. 84.

H. B. No. 75, A bill to be entitled "An Act creating an additional Judicial District for Scurry and Borden Counties, Texas, giving preference to civil cases, to be known as the 135th Judicial District; providing for the appointment of a District Judge therefor and providing the terms of said Court hereby created; providing that the official court reporter for the 32nd Judicial District shall also be the official reporter for the 135th Judicial District; providing for a vacation for the Judge of the 135th Judicial District Court; providing for the transfer of cases from the 32nd Judicial District Court to the 135th Judicial District Court without the entry of order upon the minutes of either court; providing that this Act shall not prevent the holding and closing under present laws of any term of Court that may be in session when this Act takes effect; making an appropriation; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**House Concurrent Resolution 33**

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 33, Relative to Federal automotive excise taxes.

The resolution was read and was adopted.

**Senate Resolution 66**

Senator Hudson offered the following resolution:

Whereas, A distinguished citizen of the State of Texas, Mr. Garland Casbier, is visiting in the City of Austin; and

Whereas, This gentleman is a prominent attorney in the City of Fort Stockton; and

Whereas, The members of this body are pleased to welcome him today; now, therefore, be it

Resolved, By the Senate of the State of Texas, That the Honorable Garland Casbier be granted the privileges of the floor for the day, and that he be invited not to address the Senate.

The resolution was read and was adopted.

**House Concurrent Resolution 35**

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 35, Authorizing the Enrolling Clerk to amend the caption of H. B. No. 84.

The resolution was read and was adopted.

**House Concurrent Resolution 32**

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 32, In memory of Judge James G. Howard.

The resolution was read and was adopted.

**Senate Concurrent Resolution 22**

Senator Kelley of Hidalgo offered the following resolution:

S. C. R. No. 22, Suspending the joint rules to permit the House to consider S. B. No. 36.

Resolved by the Senate, the House concurring, That the joint rule relative to passage of bills during the last 24 hours of the session be suspended to permit the House to pass S. B. No. 36.

The resolution was read.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read and referred to the committee indicated:

H. B. No. 75, To the Committee on Judicial Districts.

#### Senate Resolution 67

Senator Bracewell offered the following resolution:

Whereas, The Honorable Carl C. Hardin, Jr., has graciously given of his time and talents during the First Called Session of the 51st Legislature in service to the Senate of Texas; and

Whereas, His service has been of immeasurable value to this body and it is the desire of all members of the Senate to express their gratitude and appreciation; now, therefore, be it

Resolved, By the Senate of the State of Texas, That this body thank the Honorable Carl C. Hardin, Jr., for his service to the Senate of the First Called Session of the 51st Texas Legislature.

BRACEWELL  
MARTIN

Signed—Aikin, Ashley, Bell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, McDonald, Moffett, Moore, Morris, Nokes, Phillips, Proffer, Shofner, Strauss, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Bell, the names of the President pro tempore and of all the Senators were added to the resolution as signers thereof.

The resolution was adopted.

#### Senate Resolution 68

(Caucus Report)

Senator Aikin submitted the following report:

Austin, Texas,  
March 1, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: At a caucus held on March 1st, 1950, and attended by 27 members of the Senate, the following recommendations were made, to-wit:

Be it Resolved by the Senate, That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz.:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services she shall receive the same per diem she now receives, and in addition thereto, she and the Acting Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$10.00 per day.

The Acting Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the 1st Called Session of the Fifty-first Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be retained for a period of ten days at a salary of \$8.50 per day.

The Calendar Clerk shall be retained for 15 days at a salary of \$10.00 per day.

The Journal Clerk, Mrs. Henry Wendlandt, shall be retained for a period of not exceeding 30 days at \$11.00 per day, and Mrs. Minnie Meier, Assistant Journal Clerk, shall be retained for not exceeding 30 days at \$10.00 per day.

The Sergeant-at-Arms shall be retained for 10 days at the same pay

he now receives, and 2 assistants for 10 days at \$10.00 per day. The Acting Lieutenant Governor may employ or retain at \$4.50 per day as many porters as may be necessary and a head porter at \$7.50 per day.

The Enrolling and Engrossing Clerk shall be retained 7 days at \$12.50 per day, and 3 assistants to assist her shall be retained for 7 days at \$7.50 per day.

The private secretary to each Senator may be retained for six days at \$10.00 per day to perform such duties as may be required of them.

The Postmistress shall be retained 6 days at \$10.00 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for 6 days at \$10.00 per day and one assistant for 4 days at \$7.00 per day.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the First Called Session of the Fifty-first Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Acting Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Acting Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$7.00 per day.

Resolved, That there shall be printed 750 volumes of the Senate Journal of the First Called Session of the Fifty-first Legislature, and when completed, two hundred and fifty copies shall be bound in buckram and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and

House of Representatives, to the Acting Lieutenant Governor and Secretary of the Senate, and 25 such copies shall be delivered to the Secretary of the Senate, and the remaining copies shall be retained by the Secretary of State. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expenses, provided further that it shall be the duty of the Chairman of said Contingent Expense Committee to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law and as finally approved by the Chairman of the Committee on Contingent Expenses of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expenses, said accounts shall be paid out of the Contingent Expense Fund of the First Called Session of the Fifty-first Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be out of the per diem and contingent expense fund of the Fifty-first Legislature upon warrants signed by the acting Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Acting Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and she is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$120.00 per month, and be it further

Resolved, That the Acting Lieutenant Governor and the Chairman of the Senate Committee on Contingent Expenses shall have authority to employ such additional personnel as may, from time to time, be required and to purchase such supplies and to make all repairs and improvements as are necessary between the adjournment of this session and the convening of

the next session of the Legislature; and be it further

Resolved, That with the approval of the Acting Lieutenant Governor and the Chairman of the Committee on Contingent Expenses, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be paid from the Contingent Expense Fund.

Respectfully submitted,  
A. M. AIKIN, JR.,  
Chairman of the Caucus.

The report was read.

On motion of Senator Aikin, the report was considered as a resolution of the Senate and was adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 1, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 17, Granting each House permission to adjourn "Sine Die" at twelve noon, March 1, 1950.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Election of President Pro Tempore Ad Interim

The President pro tempore announced that the next business in order was the election of the President pro tempore ad interim.

Senator Morris nominated Honorable Wardlow Lane of Shelby County, to be President pro tempore of the Senate ad interim.

Senators Aikin, Harris, Ashley, Kelly of Tarrant, Hudson, Vick, Moffett, and Jones seconded the nomination.

The President pro tempore appointed Senators Proffer, Aikin, Hudson and Strauss as tellers to take up and count the ballots.

The tellers reported that Honorable Wardlow Lane had received 27 votes, and the President pro tempore declared him duly elected President pro

tempore ad interim and appointed Senators Morris, Harris, Vick and Aikin to escort him to the President's rostrum.

The President pro tempore administered the oath of office to Hon. Wardlow Lane and presented him to the Senate as President pro tempore ad interim.

President pro tempore Lane then addressed the Senate and thanked the members of the Senate for the honor bestowed upon him.

Senator Lane then presented Mrs. Lane to the Senate.

#### At Ease

On motion of Senator Hudson, the Senate at 11:30 o'clock a.m., agreed to stand at ease subject to the call of the Chair.

The President pro tempore called the Senate to order at 11:40 o'clock a.m.

#### Senate Resolution 69

Senator Corbin offered the following resolution:

Whereas, Miss Sherry Martin was born in New Orleans, La., on May 7, 1944, the daughter of our fellow member, Senator Crawford C. Martin, and Mrs. Martin; and

Whereas, Sherry is possessed of such a charming personality and lovely disposition; and

Whereas, It is the desire of the Senate to name her a "Sweetheart of the Senate"; now, therefore, be it

Resolved, That Miss Sherry Martin be named a Sweetheart of the Senate; and that her photograph be included in the block picture of the Senate.

The resolution was read and was adopted.

#### Senate Resolution 70

Senator Corbin offered the following resolution:

Whereas, James Callan Nokes was born in Austin, Texas, on July 23, 1948, the son of our fellow member, Senator George Nokes, and Barbara Nokes; and

Whereas, James Callan possesses the radiant personality and disposition of his parents, and

Whereas, It is the desire of the Senate to name him as a mascot of the Senate; now, therefore, be it

Resolved, That James Callan Nokes be named mascot of the Senate and that his photograph be included in the block picture of the Senate.

The resolution was read and was adopted.

#### Senate Resolution 71

Senator Vick offered the following resolution:

Whereas, The Honorable G. B. Finley retired from active service with the Texas Highway Department on February 28, 1950; and

Whereas, Mr. Finley was born in Celina, Collin County, Texas, in 1882; and

Whereas, Mr. Finley was educated in the public schools of Roseland, Texas, and completed his pre-college education at the Ford Academy in Austin, Texas, in 1902; and

Whereas, He received the Bachelor of Science Degree in Civil Engineering in 1906 from the University of Texas at Austin; and, upon graduation from the University of Texas Mr. Finley worked with the Cotton Belt, Panama, and Pecos Valley Southern Railways, and the Union Oil Company; and

Whereas, He spent six years in Central America as General Foreman and Assistant Engineer on pipe line and road work, and was in business for himself nine years before joining the Texas Highway Department. On February 1, 1927, he was made District Engineer of the Pecos District and held this position until September 1, 1938, when he transferred to Corpus Christi as District Engineer; and

Whereas, On April 1, 1945, because of his outstanding service to the Texas Highway Department, Mr. Finley was appointed State-wide Maintenance Engineer with headquarters at Austin; and

Whereas, Mr. Finley held this position until he retired from State service February 28, 1950; and

Whereas, The Highway Commission has bestowed a Twenty Year Certificate of Service and Gold Emblem upon Mr. Finley in recognition of his meritorious service with the Texas Highway Department; now, therefore, be it

Resolved, That the Senate of the State of Texas recognize Mr. Finley as one of the outstanding citizens of the State of Texas, having given twenty-three years of his life in service to the people of Texas; and that a copy of this resolution be sent Mr. Finley; and, be it further

Resolved, That when the Senate adjourns today, it do so in honor of this great servant of the people of Texas.

The resolution was read and was adopted.

#### House Concurrent Resolution 17

The President pro tempore laid before the Senate for consideration at this time the following resolution:

H. C. R. 17, Providing for adjournment sine die at 12:00 o'clock noon, Wednesday, March 1, 1950.

The resolution was read and was adopted.

#### Bills and Resolutions Signed

The President pro tempore signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 38, A bill to be entitled "An Act to amend H. B. No. 108, Acts of the Regular Session of the 51st Legislature, ch. 404, page 754, Vernon's Annotated Civil Statutes, Article 7345e; making same applicable to all counties in this State in which are located one or more tracts of land, or portions thereof, having in excess of 1,000 acres which are owned by twenty (20) or more persons in undivided interests on which delinquent taxes are due; providing that if attorney's fees are paid under the provisions of this act the provisions of Article 7335, R. C. S., 1925, and of Chapter 8, Acts of the 41st Legislature, 1930, Fourth Called Session, being Article 7335a, V. A. C. S. shall not apply; providing that said Act shall be cumulative of other existing laws, except in so far as same conflict herewith; and repealing all conflicting laws to the extent of the conflict; and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act to re-allocate and re-appropriate from the biennial appropriation for the Texas Library and Historical Commission, State Library, an amount sufficient to provide for

the operation of the Extension Division of the State Library; and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act amending Senate Bill No. 207, Acts of the Forty-ninth Legislature, Regular Session, 1945, as amended by House Bill No. 992, Acts of the Regular Session, 1949, so as to further clarify the original meaning and intent of said Act that any such Junior Colleges and/or Universities are public institutions whose properties are devoted exclusively to the use and benefit of the public; and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act amending Section 1 of House Bill No. 746, Acts, Forty-ninth Legislature, Regular Session, 1945, (Article 2647c, Vernon's Civil Statutes) to authorize and permit the Board of Regents of the State Teacher Colleges of Texas and the Board of Trustees of independent school districts to enter into contracts for teacher training; authorizing the use of available local funds of such State institutions of higher learning in the pursuance of such program and contracts; and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act amending House Bill 605, Acts, 1947, 50th Legislature Regular Session, page 136, Chapter 80 (known as Article 2922 1 (3), Vernon's Texas Statutes), by the addition of a new section to be known as Section 5 so as to provide that when such rural high school districts and consolidated independent school districts to which this Act is applicable have been in existence for two (2) years or longer, and additional territory is then added to such districts by annexation, the provisions of this Act shall continue to apply to such districts, although they may then contain territory originally comprising more than twelve (12) original school districts; provided, however, that it shall be the duty of the Board of County School Trustees to divide the territory of such districts, exclusive of the territory formerly comprising the two (2) independent school districts having more than two hundred and fifty (250) scholastic population, as provided for in Section 3 of this Act and to include the territory added by annexation within one (1) or more of the three (3) areas provided for in said Section 3; and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act amending Article 474, Penal Code of Texas, 1925, so as to define what shall constitute disturbing the peace; fixing a penalty; providing for severance of any part of this Act held invalid; and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act amending Articles 1147 and 1148 of the Penal Code of Texas, 1925, providing when and under what circumstances an assault and battery becomes aggravated; fixing a penalty; providing for severance of any part of this Act which may be held invalid; and declaring an emergency."

H. B. No. 35, A bill to be entitled "An Act regulating the use of seines and nets for the taking of fish in Bastrop County; prohibiting the sale of fish taken from the waters of said County weighing less than Ten (10) Pounds; providing a penalty for violation hereof; and declaring an emergency."

H. B. No. 49, A bill to be entitled "An Act to amend Article 3959 of the Texas Fire Escape Law, Title 63, and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act amending Chapter 282, Acts of the 51st Legislature, Regular Session, 1949, so as to change and redefine the boundaries of Trinity Bay Conservation District; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act amending Section 10 of House Bill No. 35, Acts 51st Legislature, Regular Session, 1949, Chapter 581, page 1127, relating to vegetable plant certification procedure and to inspection fees for certain plants; and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act making it unlawful for any person to entice, allure, persuade, invite, or attempt to allure, persuade, entice or invite, any child under the age of fourteen (14) years to enter any vehicle, room, house, office or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, if the child be female, or for the purpose of committing an aggravated assault

on such child, or for the purpose of proposing that such child feel or fondle the sexual or genital parts of such person; fixing a penalty; providing for severance of any part of this Act which may be held invalid; and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act making it unlawful for any person to place or attempt to place his or her hands upon the sexual parts or otherwise fondle the sexual parts of a male or female under the age of fourteen (14) years, or to place or attempt to place his or her hands upon or otherwise fondle the breast of a female under the age of fourteen (14) years; fixing a penalty; providing for a severance of any invalid portion of this Act; and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act providing for the organization of cooperative, non-profit, membership corporations for the purpose of furnishing telephone service; defining terms; defining the powers and duties of such corporations; providing for the number of incorporators; providing the manner in which such corporations may be organized and prescribing the contents of the articles of incorporation; etc., and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act applicable to the County of Hays, State of Texas, prohibiting the transportation of minnows taken in said County beyond the borders of said County for the purpose of sale, etc., and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act making it unlawful for any person to expose his or her private parts or genital organs to a male or female under the age of sixteen years; fixing a penalty, etc., and declaring an emergency."

H. B. No. 22, A bill to be entitled "An Act to amend Article 5248, Revised Civil Statutes of Texas, relative to the exemption of lands and improvements owned by the United States of America from taxation so as to provide that all personal property located on said lands owned by private parties and all parts of said lands and improvements used and occupied by private parties shall be subject to taxation; and declaring an emergency."

H. C. R. No. 35, Instructing the enrolling clerk of the House to amend the caption of H. B. No. 84, to conform to the body of the bill.

H. C. R. No. 14, Providing for the investigation of the charges for long distance phone calls.

H. C. R. No. 12, Granting Mrs. Jeff West permission to sue the State.

H. C. R. No. 34, Instructing the enrolling clerk of the House to make certain corrections in H. B. No. 30.

H. C. R. No. 33, Relative to Federal automotive excise tax.

H. C. R. No. 32, In memory of Judge G. Howard.

H. C. R. No. 17, Providing for adjournment sine die at 12:00 o'clock noon, Wednesday March 1, 1950.

#### **Committees to Notify the Governor and the House**

President pro tempore Hazlewood appointed the following committees to notify the Governor and House that the Senate has completed its labors and is ready to adjourn sine die:

To notify the Governor: Senators Lane, Aikin and Nokes.

To notify the House: Senator Colson, Phillips and Corbin.

#### **Senate Notified**

A committee of three members of the House appeared at the bar of the Senate; and Honorable Tom Cheatham, for the committee, announced that the House has completed its labors and is now ready to adjourn sine die.

#### **House Notified**

The committee appointed to notify the House that the Senate has completed its labors and is now ready to adjourn sine die appeared at the bar of the Senate; and Senator Colson, of the committee, announced the duty assigned it had been performed.

#### **Governor Notified**

The committee appointed to notify the Governor appeared at the bar of the Senate; and Senator Aikin, of the committee, announced the duty assigned it had been performed.

**Oath of Office Administered to  
Secretary of the Senate**

The President pro tempore requested the Secretary of the Senate to approach the President's stand and take the constitutional oath of office.

The President pro tempore then administered the official oath to Loyce M. Bell, Secretary of the Senate.

**Adjournment Sine Die**

On motion of Senator Aikin, the

Senate of the First Called Session of the Fifty-first Legislature, at 12:00 o'clock noon, adjourned sine die.

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**APPENDIX**

Honorable Wardlow Lane, President pro tempore ad interim and acting Lieutenant Governor, announced the appointment of Senator G. C. Morris to the Legislative Council.